



## **NZO Joint Committee Kick Off Meeting**

**Thursday, October 30, 2014, 3:00 p.m. to 4:30 p.m.**

**Water Resources Conference Room, 617 Garden Street, 3<sup>rd</sup> Floor**

### ***Agenda***

- I. Introduction of Consulting Team and NZO Joint Committee**
- II. Project Objectives**
- III. Major Issues**
- IV. Project Schedule, Major Milestones, Products**
- V. NZO Joint Committee Role and Participation**
- VI. Next Steps**
- VII. Public Comment**

**AMERICANS WITH DISABILITIES ACT:** If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the Water Resource's Office main number at (805) 564-5460. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

### **Reference Materials / Attachments**

1. Dyett and Bhatia Scope of Work with Project Timeline
2. Zoning Standards to be Considered in the NZO Effort (working list)
3. Joint Committee Meeting Notes 5/28/2014



# I Scope of Work

## I.1 Project Phases

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The critical initial step in crafting a concise and user-friendly set of regulations is close work with City staff to identify framework choices – the overall structure of the new development regulations. The challenge is to create a logical sequence, remove ambiguity, simplify and clarify language, and, to the extent possible, create common procedures and uniform regulations and standards. With this in mind, our approach to a comprehensive update of the Santa Barbara Zoning Ordinance is to break down the project into major phases, as outlined below and shown on the attached timeline.

**Phase I – Diagnosis and Technical Analysis.** Background studies, including technical review of current regulations, stakeholder input, and summary of issues to be addressed.

**Phase II – Framework for New Zoning.** Analysis of issues and preparation of an outline reflecting the framework for a new zoning code that will implement the General Plan, consider proposed Coastal Land Use Program, and be easier to use and understand.

**Phase III – Products.** This phase includes drafting preliminary regulations to implement the General Plan and other city policies and reflect current best practices, building on the City-staff approved outline and technical revisions identified by City staff. Meetings to review the “modules” of preliminary regulations with City staff, the NZO Joint Committee, and community workshops with the Planning Commission will be scheduled to provide feedback. Then a public review draft will be prepared for hearings and adoption.

**Phase IV – Hearings and Adopted Ordinance.** This includes preparation of materials for hearings, attendance at public meetings, as well as preparation of the adopted Ordinance.

## I.2 Scope of Work

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By moving from agreements on general approaches to the outline of specific regulations and then agreements on specific sections (“modules”), our work program involves City staff and the community in the update process and generates a sense of ownership and commitment to the new regulations. Although our work program is designed to address problems throughout the entire body of zoning regulations, the primary emphasis will be addressing issues related to implementing the General Plan, correcting technical deficiencies, and reflecting current best practices. We will focus on changes to the zoning regulations that staff and decision-makers believe most important to meeting the City’s needs. Particular attention will be given to identify the sections of the ordinance that are not planned to be completed as part of this effort as determined by staff and decision-makers. Amendments to these sections will be limited to minor clarifications for consistency and a consistent format style.

## **TASK 1: PROJECT INITIATION AND BACKGROUND RESEARCH**

- A. **Kickoff Meeting.** Meet with City staff to discuss their ideas and aspirations for the project, review the approach to the new Zoning Ordinance, discuss the public participation process, finalize the work program and schedule, and clarify roles and responsibilities. Following the kick-off meeting with staff, conduct a kick-off meeting with the NZO Joint Committee.
- B. **Field Trip.** During the same trip as the kick-off meeting, tour the City with City staff to become familiar with the physical details of development representing implementation of the current regulations.
- C. **Technical Review.** Conduct a technical review of the City's existing zoning regulations, General Plan, and other relevant plans, regulations, and documents. Identify conflicts with new requirements of State and federal law, if any.

**Meetings:** Kickoff meeting with City staff and the NZO Joint Committee (meeting #1)  
City Tour

## **TASK 2: PUBLIC PARTICIPATION**

- A. **Community Meetings/Workshops.** Work with City staff to formulate a Public Participation Program for the NZO project. We envision a series of community workshops/meetings at key stages during the planning process to provide opportunities for public education and informal comment on choices being considered. These will be conducted in combination with the Planning Commission as study sessions. Straightforward and informational outreach materials will be created. We propose to conduct five workshops during the planning process, which will include:
  - **Workshop #1: Issues and Options.** An issues and options workshop will present the project goals and discuss the major issues, General Plan direction for new zoning, and distill the key choices and presents the "big ideas" for consideration of a new zoning framework for Santa Barbara. The presentation will include photographs and graphics (e.g. diagrams of typical standards or excerpts of site plans) of specific zoning issues in Santa Barbara and examples of how peer communities may have resolved similar issues. This workshop would be conducted as part of Task 3.
  - **Workshop #2: Use Regulations.** A workshop will be held to present and review Module #1: Use Regulations. The purpose of the workshop is to gather comments and get feedback on the preliminary draft recommendations prepared in Task 4.
  - **Workshops #3 and #4: Development Standards.** Workshops will be held to present and review Module #2: Development Regulations. The purpose of the workshops is to gather comments and get feedback on the preliminary draft recommendations prepared in Task 5.
  - **Workshop #5. Administrative Procedures.** A workshop will be held to present and review Module #3: Administrative Procedures. The purpose of the workshop is to gather comments and get feedback on the preliminary draft recommendations prepared in Task 6.
- B. **Stakeholder Outreach Review.** Review of City staff notes of the outreach to stakeholder groups during May and June. Issues identified by the stakeholders will be

classified and sorted to identify common themes and shared concerns. Include a final "punch list" of issues and options based on the comments, organized by topic in the Issues and Options paper in Task 3.

- C. **Press and Media Releases.** Draft press and media releases which can be distributed to local media at key benchmarks in the process and in advance of workshops and other public forums.
- D. **Website Materials.** Provide information for the City's website, including text, photographs, maps, renderings, other images, and information to describe our credentials and explain the project's process. Project memorandum and milestone documents may be uploaded to the website to be accessed by interested community members.

**Products:** Public Participation Program  
Workshop Materials  
Information for the City's website  
Draft press and media releases

**Meetings:** Workshop #1: Issues and Options  
Workshop #2: Use Regulations  
Workshop #3 and #4: Development Standards  
Workshop #5: Administrative Procedures

### **TASK 3: ISSUES AND OPTIONS; ORDINANCE RESTRUCTURE**

- A. **Issues and Options.** Based on technical review of the City's zoning regulations, City staff comments, and focus group input, prepare a short Issues and Options paper that highlights General Plan direction for new zoning, distills the key choices and presents the "big ideas" for a new framework for zoning controls in Santa Barbara. The Issues and Options paper will include options for reformatting the code. Include specific zoning issues in Santa Barbara and examples of how peer communities have resolved them.
- B. **NZO Joint Committee Meeting.** Meet with the NZO Joint Committee to review and get feedback on the Issues and Options paper.
- C. **Annotated Outline.** Based on comments on issues and options and other input made at Workshop #1, prepare an Annotated Outline of the New Zoning Ordinance (NZO) with a "plain English" commentary. The outline will provide the recommended restructuring of the current code; retaining, amending, or discarding sections as necessary and proposing new sections where needed to improve clarity and user-friendliness. The outline will lay out the new framework of the revised Zoning Ordinance and will be in sufficient detail to indicate what changes will need to be made to the structure of the ordinance so that it is clear, consistent, easy to use and understand, and eliminates redundancy, including:
  - The proposed number, types, and purposes of zoning districts. The usefulness of each base and overlay district will be confirmed. Where possible, similar zones will be combined. As a general rule, the total number of zones within the ordinance should be minimized;

- The general purpose sections of the new ordinance, including definitions, provisions for "use classifications," supplemental standards applying in some or all districts, administration, and enforcement; and
- The overall organization and numbering system.

The outline will include a disposition table showing how the contents of the current ordinance would be reorganized in the New Zoning Ordinance. The outline will also clearly identify the sections or topics that are part of the zoning ordinance but that will not be updated or revised as part of the NZO effort (i.e. the items listed as "Not Included in the Scope of the NZO Effort" in the RFP). We will review the Annotated Outline with staff and City Attorney; and revise, based on comments received.

**Products:** Issues and Options Working Paper  
Annotated Outline

**Meetings:** NZO Joint Committee (meeting #2)

#### **TASK 4: USE REGULATIONS**

- A. **Review Current Use Classifications.** Evaluate merits of a "use classification" system to streamline zoning district use regulations and prepare preliminary use classifications for City staff review. A "use classification" system places land uses and activities into groups based on common function, product, or physical characteristics. There are many advantages to this type of approach. Listing use groups instead of specific uses helps streamline the use regulation parts of the code. Categories are also broad enough to allow classification of new, unanticipated uses.
- B. **Evaluate Current Use Regulations.** Evaluate current use regulations and identify changes needed to respond to how people presently live and work and to staff and stakeholder concerns identified in the technical review. Evaluate permit review requirements for each use and identify opportunities for allowing uses with a lower level of processing, such as more uses allowed by right or with a Performance Standard Permit instead of a Conditional Use Permit. The NZO could also identify set of "limited" uses which function as permitted uses so long as they conform to certain development standards or do not exceed threshold intensities.
- C. **Present Use Regulations in a User-friendly Manner.** Use regulations could be arranged in tables with extensive cross-references to present information in a logical, consistent, and easily navigable format. The current "pyramid zoning" structure can still be retained. Tables could present the use regulations for multiple zones side-by-side to facilitate comparisons between similar zones and to ease user navigation. The uses listed in each table would be presented without definitions or limitations in order to prevent visual clutter and allow quick access to required information. Instead, the tables identify any limitations to uses as footnotes and, where appropriate, include cross-references to other sections of the code (e.g., the standards for specific uses) where additional regulations can be found. Evaluate thresholds for review and identify projects that could be reviewed at an administrative level by staff, design boards, or the Staff Hearing Officer.



**D. Evaluate Current Specific Use Standards.** Evaluate current standards for specific uses, including City staff concerns about “problem” uses and provisions that are inconsistent with State and federal law or out of date with current best practices. Draft revisions to the current use standards to address concerns and inconsistencies. Some uses and development types that may require particular consideration include:

- Automobile and vehicle repair and services
- Home occupations
- Live-work, including artist’s live-work space
- Corner stores/small neighborhood centers
- “Green” economic development
- Community gardens
- Eco-tourism
- Outdoor dining
- Visitor-serving uses
- Storage containers
- Industrial and light manufacturing uses

**E. Prepare Module #1: Use Regulations.** Prepare Module #1: Use Regulations, including a summary of proposed changes and a correspondence table comparing existing uses with proposed use classifications. Review Module #1 with staff and revise, based on City staff comments.

**F. NZO Joint Committee Meeting.** Participate in a meeting with the NZO Joint Committee to review Module #1: Use Regulations. Revise the module based on NZO Joint Committee feedback and City staff direction.

**Products:** Module #1: Use Regulations

**Meetings:** Module #1 review with NZO Joint Committee (meeting #3)

## **TASK 5: DEVELOPMENT STANDARDS**

**A. Analyze Current District Development Standards.** Analyze current development standards and identify standards that need to be revised or rewritten to clarify intent, implement City goals and policies, correct deficiencies, or that are contradictory with other regulations. Identify the process and circumstances under which development standards may be waived or modified. Minor modifications may be able to be granted administratively, subject to certain criteria or if specific findings can be made. Identify development standards that are not in compliance with the most current legal decisions by the U.S. Supreme Court and the U.S. District Courts of Appeal. Incorporate any development standards currently located in definitions.

- B. **Analyze Current City-wide Development Standards.** Analyze current development standards that apply in some or all districts and identify new or revised standards and performance requirements to respond to staff and community concerns, implement the General Plan, and bring standards up to date with current uses and practices. Topics include, but are not limited to:
- Landscaping
  - Nonconforming provisions
  - Parking
  - Performance standards
- C. **Prepare Module #2: Development Standards.** Prepare Module #2: Development Standards, including a summary of proposed changes. Review Module 2 with City staff and revise, based on City staff comments.
- D. **NZO Joint Committee Meeting.** Participate in a meeting with the NZO Joint Committee to review Module #2: Development Standards. Revise the module based on NZO Joint Committee feedback and City staff direction.

**Product:** Module #2: Development Standards

**Meeting:** Module#2 review with the NZO Joint Committee (meeting #4)

#### **TASK 6: ADMINISTRATIVE PROCEDURES**

- A. **Evaluate Existing Administrative Procedures.** Evaluate existing administrative provisions for all zoning decisions and identify opportunities for streamlining. Include procedures, criteria, and any required findings for approval or denial by the appropriate decision maker and explore an administrative/consent Staff Hearing Officer review for minor improvements. Procedures for citizen participation in the development review process will also be evaluated.
- B. **Consolidate and Update Definitions and Rules of Measurement.** Update definitions, including appropriate illustrations, and rules for measuring various dimensions referred to in the Ordinance such as building height, floor area ratios, setbacks, and lot dimensions, as needed. Update definitions to use plain language and be consistent with definitions of other sections of the Municipal Code, Building Code, and other documents. Group like terms under headings to facilitate understanding of differences among terms. Prepare a summary list of terms and cross-references for readers, similar to an index. Development standards will be removed from the definitions section and placed in the appropriate section of the ordinance.
- C. **Prepare Module #3: Zoning Administration.** Prepare Module #3: Zoning Administration, including proposed amendments to administrative provisions, definitions and rules of measurement; review with City staff and revise, based on City staff comments.



- D. **NZO Joint Committee Meeting.** Participate in a meeting with the NZO Joint Committee to review Module #3: Zoning Administration.

**Product:** Module #3: Zoning Administration

**Meeting:** Module #3 review with the NZO Joint Committee (meeting #5)

#### **TASK 7: DRAFT NEW ZONING ORDINANCE**

- A. **Draft Zoning Ordinance.** Review all comments on "modules" of preliminary regulations and prepare the Public Review Draft of the New Zoning Ordinance. Prepare an Administrative Draft for City staff review and revise based on a consolidated set of comments. We will work closely with City staff and the City Attorney to prepare the Public Review Draft; meetings and/or conference calls will be scheduled to review outstanding issues.
- B. **Public Review Materials.** Assist City staff in preparing staff reports and presentations for the formal public review and adoption process.

**Products:** Public Review Draft Zoning Ordinance  
Public Review Materials

#### **TASK 8: PUBLIC REVIEW AND ADOPTION; FINAL ZONING ORDINANCE**

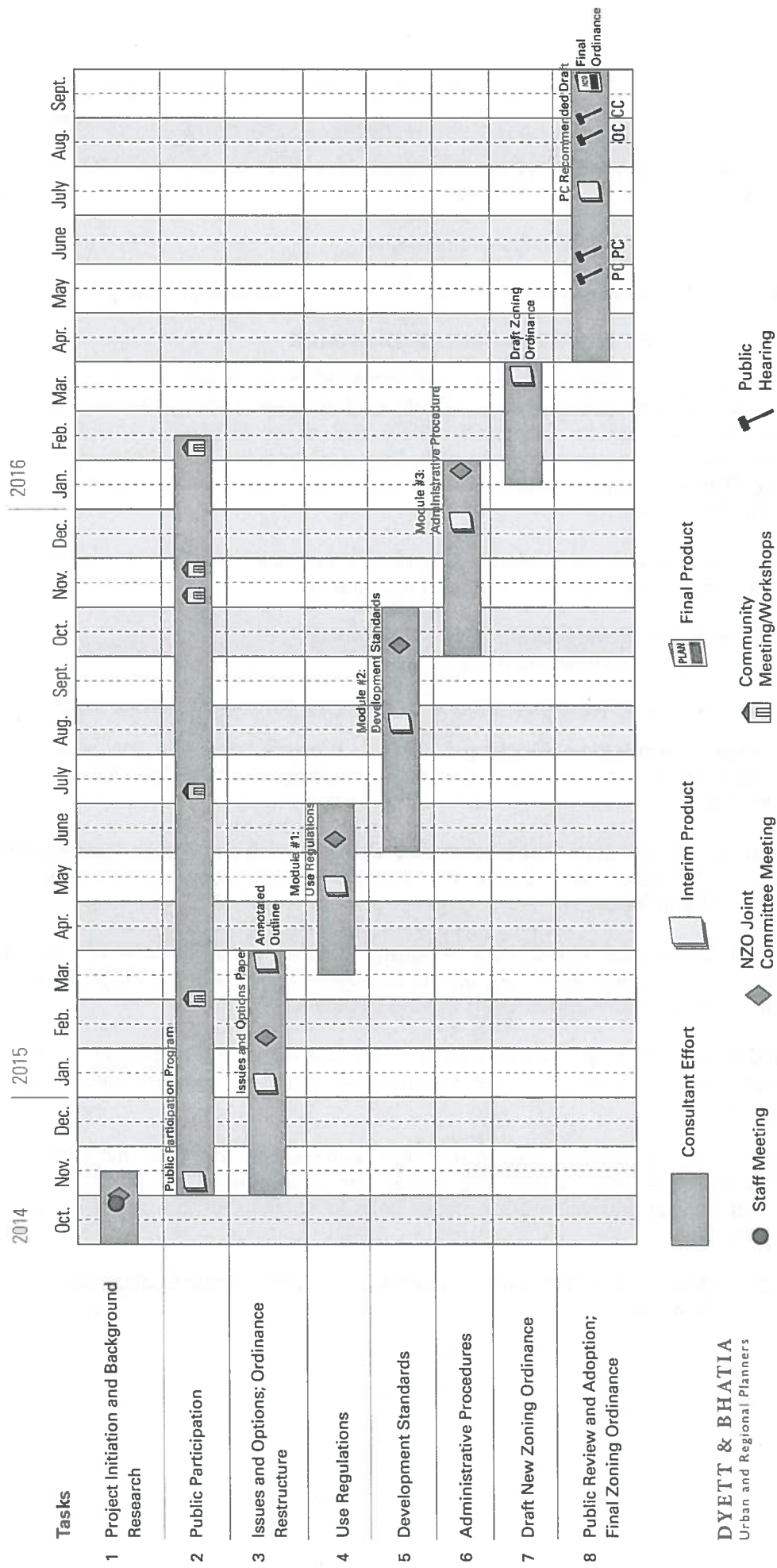
- A. **Planning Commission Meetings.** Attend, prepare materials for, and make formal presentations at two Planning Commission meetings on the Public Review Draft Zoning Ordinance.
- B. **Planning Commission Recommended Draft.** Revise the Public Review Draft Zoning Ordinance based on comments from the public and the recommended changes from the Planning Commission.
- C. **Council Ordinance Committee Meeting.** Attend, prepare materials for, and make formal presentations at a Council Ordinance Committee meeting on the Planning Commission Recommended Draft Zoning Ordinance.
- D. **City Council Meeting.** Attend, prepare materials for, and make formal presentations at a City Council meeting on the Planning Commission Recommended Draft Zoning Ordinance.
- E. **Final Zoning Ordinance.** Based on City Council action and final text changes provided by City staff, prepare the final Ordinance. The document will be produced in a Word or InDesign format and will include hyper links to sections of the zoning ordinance being referenced.

**Products:** Planning Commission Recommended Draft Zoning Ordinance  
Final Zoning Ordinance

**Meetings:** Planning Commission (2)  
Council Ordinance Committee (1)  
City Council (1)

# Schedule

## Santa Barbara New Zoning Ordinance



**DYETT & BHATIA**  
 Urban and Regional Planners

**Zoning Standards to be Considered in the NZO Effort**  
**(Working List)**

**A. Examples of Standards to be Addressed in NZO**

***The list under 2 - 7 is neither all inclusive nor definitive as the public process will define the changes that will be made to the standards. The letters and numbers in parentheses indicate General Plan policies relevant to that topic.***

**1. Restructure Title 28 and:**

- a. maintain a pyramid zoning structure;
- b. make it more current, consistent, clear, and easier to understand;
- c. simplify the organization of the chapters;
- d. have policy alignment with historic interpretations;
- e. reduce redundancy;
- f. reconsider the zone classifications, reducing the number where possible, without increasing allowed densities;
- g. consider a format where all of the relevant standards that apply to the zone classification, use, or project type are in the same place (currently not user friendly with regulations in various locations in the code);
- h. consider tables or some other manner in which to reflect what review applies (e.g. ABR, HLC, SHO, PC);
- i. consider graphics in the document, or a guidelines document with photos and graphics, and interpretations. Consider what other communities are doing in this regard; and
- j. keep in mind that the NZO will be processed concurrently with the Local Coastal Plan (LCP) Update. As the LCP Update proceeds, we need to ensure that the NZO is consistent.

**2. Update Definitions and:**

- a. improve and update with user-friendly terms;
- b. consider graphics to assist in the interpretation of definitions;
- c. consider updating or creating definitions of the types of residential units (e.g. duplex, additional unit, accessory units - NPO related);
- d. remove standards from definitions wherever possible;
- e. consider whether definitions specific to a section or chapter should remain in the section or whether all definitions should be provided in the main definitions section;
- f. improve definition of mixed use (2 or more uses in building vs. 2 or more uses on a site); clearly define what makes up a mixed use building;
- g. update with new definitions for "modern" uses, relying on Webster's where we can or in line with what other Cities use;
- h. clarify that setbacks are measured from the right of way and not just the property line;
- i. update the definition of "front yard" (e.g. to *first* wall of the *first* main building);
- j. define demolition and alteration for development and zoning purposes; and
- k. check for consistency in how we define things (e.g. definition of floor area in Zoning Ordinance and building code. Check that they don't contradict each other.

3. Assess Administration of the Code and:

- a. provide staff or other administrative flexibility (perhaps similar to the minor exception for the fence/hedge height ordinance). Findings may be necessary to ensure the intent is met (see d. below). Research and consider other tools that could be used for flexibility between allowed standards and modifications;
- b. clearly define projects, process, and, any findings needed for Staff to make administrative decisions;
- c. clarify decision making protocols – ministerial, administrative adjustments/waivers, SHO, PC, Council, City Attorney;
- d. add the intent of regulations, to make it easier to determine whether a proposal meets the intent;
- e. consider flexibility to expedite and assist affordable housing projects (H16.4 and H16.6 - see Attachment 1 to the Request for Proposal for General Plan Policies and Implementation Actions);
- f. consider expansion of SHO review (e.g., Tentative Subdivision Maps of 1-4 lots with public street waivers, all residential condo conversions or at least more than 4 unit limit); and
- g. consider increasing the types of projects that are ministerial and don't need discretionary review.

4. Update Zoning Standards to:

- a. simplify where appropriate;
- b. consider combining similar zone designations where appropriate (e.g. C-1, C-L, C-P);
- c. consider reducing the number of single family zone classifications;
- d. review corner lot standards to reduce the number of front yard modifications;
- e. update encroachment allowances in setbacks and yard, including open yard;
- f. evaluate yards and setbacks and consider:
  - i. Changing setbacks in single family zones where 1975 downzone resulted in nonconforming setbacks. This could also be handled as an amendment to the nonconforming ordinance or an amendment in single family zones that allows for nonconforming additions that build to the pre-1975 setback (like we did in the R-2 zone, SBMC §28.18.065), or variable setbacks.
  - ii. Consider averaging setbacks in single family zones like in the County.
  - iii. Consider allowing bigger covered or uncovered steps or landings within interior setbacks and front setbacks.
  - iv. Consider allowing miscellaneous items in the required setback for existing development, as long as there are no visibility or safety issues (e.g. trash cans and enclosures, mailboxes, sign directories, light poles planters, entry gate keypads, public utility equipment, pool equipment, others?).
  - v. Clarify what is allowed in the "front yard" vs. "front setback" (e.g. pool equipment, trellis, fountains, trash etc.).
  - vi. Consider changes to the 1,250 s.f. open yard standards for single family zones (maybe all lots, maybe constrained lots only, or maybe just for properties with nonconforming open yard). Consider flexibility for these single family zoned properties, since the only people it affects are the residents.
  - vii. Consider allowing decks taller than 10 or 36 inches to count as open yard area.
  - viii. Allow flexibility in open yard standards to allow improvements to parking.

- ix. Simplify the R-3/R-4 open space requirement. This item confuses people the most on ministerial permits.
- x. Consider variable building setbacks for 100% commercial buildings Downtown, similar to AUD (AUD only covered mixed use and residential not when 100% commercial) (LG12.3).
- xi. Consider changes to the standards for commercial and residential setbacks i.e., allowed encroachments, changes to non-conforming openings etc. Evaluate the need for commercial setbacks in various zones.
- g. clarify section on additional dwelling units regarding FAR limitations (how to calculate) open yard, limit on garage and accessory space etc. relative to the Neighborhood Preservation Ordinance;
- h. consider location and configuration of accessory buildings
  - i. Consider eliminating separation requirements, and let the building code dictate any required separation.
  - ii. Evaluate accessory building and garage size maximums. Consider a combined total floor area limitation for garages and accessory space. (R-3 zones do not have garage size limitations).
  - iii. Consider changing when accessory building area is allowed in the front yard (through and corner lots, etc)
- i. update the definition of building separation requirements, SBMC 28.87.062.D.;
- j. clarify confusing standards when there is more than one zoning designation on a lot (e.g. dual zoning, like R-2/C-P, R-2/R-O;
- k. consider expanding the modifications allowed for compliance with the Solar Access Ordinance (e.g., very narrow lots that can't move structure further out on northern property line, and consideration for sloped lots where shadow cast is actually the same or less than a flat lot, etc.);
  - i. clarify where base elevation points are measured from in the Solar Ordinance;
- l. clarify what exactly can occur on a vacant lot when there is no main building or use established (SBMC 8.16.070 and SBMC 28.97.001);
- m. address historic construction that may not have been recorded on building permits but was part of original subdivision tract (e.g. retaining walls). There is a disconnect between what building required in the past and what planning wants now; and
- n. address requirement for trash enclosures relative to setbacks.

##### 5. Update Allowed Uses and:

- a. modernize allowed uses and language;
  - i. Live work and home occupation uses in residential zones to reflect current trends/realities while considering impacts to residential areas (LG.10, LG10.1)
  - ii. Establish criteria for Artists' live-work space in the OC or C-M Zones. (LG10.2)
  - iii. Consider allowing Corner Stores/Small Neighborhood Centers in residential zones (LG4.4). Consider allowing them without parking as they are neighborhood serving.
  - iv. Consider adding the following uses into appropriate zones
    - 1. "Green" Economic Development (LG7.1.c)
    - 2. Community gardens (LG11.4)
    - 3. Uses under the Sustainable Neighborhood Planning (LG15.1)
    - 4. Eco-tourism (EF7)
    - 5. Electric Charging Stations (ER8)



- b. consider simplifying commercial uses into basic categories such as retail, office, light industrial;
- c. consider granting authority to staff to determine similar uses that fit into basic categories;
- d. consider ways to preserve and encourage the long-term integrity of industrial and light manufacturing uses including possibly narrowing the range of commercial uses in C-M and M-1 zones while not precluding priority housing in the C-M zone. (LG8.1), (LG8.2) (EF15 and 16);
- e. consider amending the Conditional Use Permit findings for public facilities and institutional uses in residential areas (LG15.3) to minimize impacts;
- f. create consistency with any LCP updates to the OC zone to allow "visitor serving uses," and wineries, and include more clarification on changes to nonconforming uses in OC zone. *(Only if LCP update and amendments are considering this);*
- g. consider creating requirements for storage containers (PODS) in residential zones. If they don't need a building permit, can we regulate them?
- h. consider creating requirements for storage containers in commercial zones. Specify that it is considered square footage if enclosed, even if it does not require a Building Permit;
- i. consider auto repair in C-P with a Performance Standard Permit (PSP) or Conditional Use Permit if work is all done within an enclosed building; and
- j. revise the CUP Ordinance to:
  - i. Consider allowing some uses that currently require a CUP to be permitted without a CUP (either as an allowed use in an appropriate zone, or with a PSP)
  - ii. Simplify CUP for day use facilities for kids, youth and seniors. (LG9.2),
  - iii. Relocate secondary dwelling units from the CUP section.
  - iv. Look at critical public infrastructure – such as Cater wells, reservoirs, etc, and consider a new zone classification to allow uses or consider changing the development process from Conditional Use Permits at the Planning Commission to Performance Standard Permits at the Staff Hearing Officer (currently additions of 500 square feet or less are allowed to an existing Public Works facility in all residential zones and 500 to 1,000 square feet are allowed in R3/R-4 and PR zones for treatment and distribution facilities).
- k. Look at change of use triggers from a building code vs. the Zoning Ordinance.

6. Update Nonconforming Uses and Buildings to:

- a. avoid increasing the number of nonconforming properties and reduce the number of nonconforming situations (e.g. as a result of 1975 downzone and parking) as also discussed in 4.f.i above;
- b. revise standards so frequently requested modifications are now allowed by the standards where appropriate;
- c. consider allowing more changes in setbacks (e.g., allow new doors and windows in the front setback; allow change in location of windows and doors in setbacks) by right, or with administrative approval;
- d. provide incentives or standards for reconstruction or rehabilitation of existing rental apartments at nonconforming General Plan densities and zoning standards. (H13.3);
- e. consider allowing demo/rebuild of nonconforming structures in the setback without a modification if decreasing the nonconformance (e.g., encroaches less into the setback);
- f. consider allowing nonconforming garages to expand to meet minimum dimensions in the required interior setback if not increasing the number of parking spaces provided, or if making the parking requirement more conforming;



- g. look at habitable vs. nonhabitable change of uses in the setback (e.g., garage to habitable space);
- h. consider clearly stating that if a nonconforming building was demolished without a permit, then it cannot be rebuilt in its former nonconforming location. Also, state that a nonconforming building permitted to be demolished has to be reconstructed or Building Permit issued within a certain timeframe to maintain its legal nonconforming status;
- i. consider separate sections for different nonconforming types (open yard, solar, story, height, use, and parking);
- j. clarify that a lot with nonconforming mixed-use in a residential zone can add residential floor area as long as the residential density conforms to the current standard;
- k. consider changing the standards so that a modification is not necessary when making a conforming second story addition, or any conforming addition (which was the original intent); and
- l. consider allowing minor increases in height in the setback (like changing the orientation of the roof, or slight increases in pitch, or allowing a parapet, etc.).

7. Update Parking Standards and:

- a. look at ways to simplify the commercial parking standards and other standards (e.g., either 1 space per 250 square feet or 1 space per 500 square feet) as much as possible;
- b. evaluate the CP Zone 1/200, to determine whether the parking standard should be maintained at 1/200 or made consistent with other commercial zones, given 1/200 is supposed to avoid affecting the surrounding lower density residential;
- c. avoid creating nonconformancies with this update, reducing nonconformancies when possible, and consider changing how we handle nonconforming parking situations;
- d. simplify the parking standard for restaurants (1 space/3 seats, or 1/100 s.f. for fast food, outdoor seating). Consider standardizing for all restaurants to have the same parking requirement;
- e. fix odd differences in residential parking. For example: make parking requirements consistent (e.g. condominiums requiring covered parking, where condo conversions do not; parking requirements for multi-family units that are detached versus attached; and condo conversions currently do not refer you to parking ordinance that allows reduced parking for affordable and senior units);
- f. clarify standards for covered and uncovered parking in C-2 zone;
- g. make the zoning parking standards, zoning design standards for parking lots, and City of Santa Barbara Standards for Parking Design consistent;
- h. consider appropriate trigger for upgrades to non-conforming parking lots. Specifically landscaping and bike parking. Consider removing or revising the 50% rule (i.e. if an addition of 50% or greater is proposed, nonconforming parking must be brought up to current standards, including design standards);
- i. consider allowing parking in driveways in front of garages for properties that contain single family residences. If we allow this, consider limitations on driveway and turnaround widths to minimum needed;
- j. consider allowing a parallel guest parking space cut in along the curb in front of hillside homes;
- k. consider increasing or eliminating garage size maximums, while continuing to include garage size as part of Neighborhood Preservation Ordinance FAR;
- l. explore reducing the minimum dimensions for parking spaces;

- m. consider streamlining the conversion of carports to enclosed parking; and
- n. clarify the Parking Zone of Benefit Maps so they are easier to read.

**B. The Following Are Not Included In Scope Of NZO Effort**

- 1. Form Based Codes
- 2. Vacation Rentals
- 3. Storm Water Management Program Changes
- 4. Changes to Residential Density in Single Family, Multi-Family and Commercial Zones or Average Unit Density Ordinance, SBMC Chapter 28.20
- 5. Growth Management Ordinance Amendments, SBMC Chapter 28.85
- 6. Condominium Conversion Ordinance Amendments, SBMC Chapter 28.88 (H13.1 and H13.2)
- 7. Open space standards (LG5.2)
- 8. Mission Creek and Creek Setbacks, SBMC §28.87.250
- 9. Inclusionary Housing Ordinance, SBMC Chapter 28.43, 2004 (H11.3)
- 10. Design Overlays (LG12.1)
- 11. Floor Area Ratios (LG12.2.b.)
- 12. Transfer of Existing Development Rights Ordinance, SBMC Chapter 28.95, 1992 (LG2.4)
- 13. Illegal Dwelling Units (H20.5)
- 14. Renewable Energy Technology Standards (ER6.5)
- 15. Solar energy systems standards (ER6.6)
- 16. CUP for cellular antennas
- 17. The Sign Ordinance, Chapter 22.70
- 18. Mobilehome and Permanent RV Park Conversion Regulations, SBMC Chapter 28.78
- 19. HWMF Hazardous Waste Management Facility Overlay Zone, SBMC §28.75
- 20. Adult Entertainment Facilities , SBMC Chapter 28.81
- 21. Neighborhood Preservation Ordinance, SBMC Chapter 22.69
- 22. Medical Cannabis Dispensaries, SBMC Chapter 28.80
- 23. Building Heights, SBMC §28.15.050
- 24. Street Widening Setback Lines, SBMC Chapter 28.82
- 25. Secondary Dwelling Units standards, SBMC 28.94.030.Z., (H15)
- 26. Outdoor Lighting Ordinance, Chapter 22.75
- 27. View Dispute Resolution Process, Chapter 22.76



**JOINT COMMITTEE MEETING**  
**Staff Notes**

**Wednesday, May 28, 2014****David Gebhard Public Meeting Room: 630 Garden Street****3:00 P.M.****COMMITTEE MEMBERS:**

HARWOOD "BENDY" WHITE, COUNCILMEMBER, *Chair*  
 BRUCE BARTLETT, COMMISSIONER  
 JOHN CAMPANELLA, COMMISSIONER  
 SHEILA LODGE, COMMISSIONER  
 CATHY MURILLO, MAYOR PRO TEMPORE

**STAFF:**

BEATRIZ GULARTE, PROJECT PLANNER  
 DANNY KATO, SENIOR PLANNER II

**ATTENDANCE:**

Members present: White, Bartlett, Campanella, Lodge and Murillo.  
 Staff present: Gularte and Kato.

**STAFF OVERVIEW:**

- Mrs. Gularte opened the meeting expressing thanks to the Committee for volunteering to be part of the Committee. The purpose of this meeting is to debrief the Committee on the focus groups as well as the staff's attendance at the Planning Commission. In addition, staff would also like to receive the Committee's input on the draft Scope of Work regarding the New Zoning Ordinance (NZO).
- Staff's attendance at the Planning Commission meeting, April 17<sup>th</sup>, was received with support from the Commission concerning the list of standards in conjunction with the NZO. The Commission highlighted to staff the importance of sustainability in the General Plan. They encouraged hiring a consultant with technological experience that could help streamline the ordinance. Staff and the Commission both agreed that the main priority would be to eliminate the nonconformance issues throughout the City in order to improve property development. The staff was advised from a Commissioner that, once concerns regarding the General Plan were established and discussed, they move forward with the process without having to reiterate the same issues.
- Staff is attending focus groups to inform them of the NZO as well as invite them to get involved. Staff will be distributing information about the NZO process in addition to providing information about their website, and an opportunity to hand-write comments to be mailed-in or dropped off.

They have also included a list of standards in their distribution regarding the matters they plan to engage in. Staff has already met with the Board of Realtors Association, the Citizens Planning Association, and the Neighborhood Advisory Council.

- The Board of Realtors advised staff to be mindful not to create more nonconformance issues, to always consider the unintended consequences of the amendments presented, to carefully define the parking standards, and to remember that certain changes may affect property values if not truly considered in their decision-making.
- The Citizens Planning Association was concerned with the amendments that may be passed in the SD-2 Overlay Zone, the issue with giving staff and administration too much authority in approvals, the changes in parking standards that have occurred over time that impact certain areas, and the issue with altering uses of a building that may interfere with parking.
- The Neighborhood Advisory Council advised staff of the importance of the zoning ordinance being written in clearer text, and incorporate direction of the General Plan. The Council was concerned with parking impacts, the Zoning Ordinances' consistency with the General Plan policies, and some neighborhoods being affected more than others with the possible changes.
- Mrs. Gualarte addressed the Scope of Work regarding the consultant services. Staff's goal is to have a proposal for the consultant by June, with a contract submitted to Council for consultant services by August, in order to have a start date by September. Exhibit 3, presented in a packet provided to the Committee by staff, outlined the draft Scope of Work with information about the Request for Proposal (RFP) including key considerations and objectives of the NZO effort.
- The consultant's first objective should be to review the Zoning Ordinance for structure and ways to modernize and simplify for cohesiveness. Another objective would include working with the Committee and the public, including the focus groups, on the actual standards.
- Staff and the City Attorney would assist the consultant in preparing the draft zoning amendments. Staff will prepare the Environmental Review once the project is defined and provide the draft to the Commission and the City Council.
- A consultant would develop a detailed work program with key milestones, synthesize all public comment to enter into the draft document, and help with the presentations to the Commission and the City Council.
- There is a working list of standards concerning the issues in the Zoning Ordinance that have been accumulated over time through feedback. Included are also items that will not be addressed as part of the NZO. The topics that need amendments consist of updating all the definitions and zoning

standards, simplifying the codes for staff to help expedite projects when appropriate, addressing the 1957 uses that are outdated together with the nonconforming uses of buildings, and parking standards.

- Mr. Kato suggested the Committee have a chair person, in which Councilmember White was elected by Mayor Pro Tempore Murillo, and seconded by Commissioner Lodge.

**Committee's Comments:**

**Councilmember White:**

- Inquired about the Environmental Review and if it should be something to keep in mind when determining lists and processes. Identifies that any consequences, unintended or not, regarding changes in the ordinance should be kept in mind in conjunction with the Environmental Review.
- Acknowledges that one of the goals is to get the list of changes down to a doable list and anything not included could be made transparent and user-friendly for the public.
- When dealing with the ordinances involving small neighborhood shops, find ways to nurture them. The neighborhood acceptance is one big threshold to have new ones come in.
- Suggested bringing in current stakeholders that could help launch the project from the ground.
- Mentioned that a catch phrase idea where the public could look up words to cue them to an ordinance could be useful. A glossary or guidance document might help to make details come across clean and clear.
- Recognizes that giving the cure before stating the problem might not be the solution in considering the need for a specialized glossary given that through time, the document itself could become its own glossary.
- Referenced the City of Goleta as a neighbor to get ideas from since they, too, are in the process of updating their ordinance.

**Commissioner Bartlett:**

- Stated that the effort to change the ordinance should not preclude the effort of changing the goals and policies that have been created rather help in aiding a lot of conflicting ordinances like the situation with the corner stores.
- Suggested wording items in the working list appropriately without talking about changes in policy. Making everything clear and laying out a road map as to how to achieve the goals rather than list all



the preclusions would help the public understand what's being requested before seeing the limits of what cannot be done.

- Would like to attend the focus group with the American Institute of Architects since its one of the largest user groups in the City to help solicit all the input.
- Reported that segregated zoning is easy to understand when isolated, yet trying to understand how the different chunks of the ordinance play together when more complex projects that are mixed use arise, it becomes rather difficult.
- Recognized that there are a lot of competing policies and things that don't fit together. Believes ordinances should not confuse the issue so that projects can move forward in the process with policy decisions that facilitate in simplifying or improving how things work together.
- Requests staff review older ordinances to eliminate nonconformance issues so that people can upgrade a house on an existing lot that has become nonconforming.
- Interested in hearing more concerning the potential consultants. Inquired whether staff is doing a Request for Qualifications (RFQ) to find out which firm would be more qualified before conducting a Request for Proposal (RFP).
- Wants to know what staff is looking for in a consultant and how they distinguish a perfect match for someone working with the City. Would like to be informed of the consultants being interviewed.

Commissioner Campanella:

- Staff should consider the sections of the General Plan concerning the Zoning Ordinance to utilize as a preamble or footnote to refer to when trying to achieve compliance in a particular zone or use. Suggests incorporating the same language in the General Plan in accordance to a neighborhood to help form the ordinance.
- Inquired about the Scope of Work and how receiving masses of input would be applied in the document.

Commissioner Lodge:

- Required information on the status of existing Transfer of Existing Development Rights. Mentioned people in the Riviera neighborhood were suffering from transferred development rights.
- When dealing with the ordinances involving small neighborhood shops, it was unrealistic to think that they could thrive and survive financially. With the General Plan revision, neighbors, especially near what was once the Sheffield Reservoir, did not want the shops integrated into the area.



- Stated that it wasn't necessary to have different modifications for particular setbacks and cleaning up that issue should be an easy fix.

Mayor Pro Tempore Murillo:

- Questioned if the working list which was generated from years of input regarding issues with the ordinance would be too long of a list to undertake.
- Reiterated that one focus would be consultant services. Would there be adequate companies available for those types of services and would staff receive sufficient proposals.
- Required information concerning the pyramid zoning structure in relation to corner stores. Decided corner stores were thriving and were used by people in some neighborhoods.
- Complimented staff on their attendance at the Neighborhood Advisory Council meeting, acknowledging how great of a job they did clearly explaining their plans regarding the New Zoning Ordinance (NZO).
- Requested clarification on the way the acronym of the New Zoning Ordinance (NZO) would be announced.

The Committee received public comment from Douglas Scott requesting if it was a requirement to update the Zoning Ordinance as well as asking if the changes to the ordinance would take place only on the Westside of town or citywide. Mr. Scott stated that there should be an increase in parking requirements to reduce on-street parking since it's become excessive in the City.

Bettie Weiss pointed out how the City's unique neighborhoods could be similar to surrounding areas outside the realm in which they could acquire ideas in formulating changes in the ordinance. She acknowledged that the eras in which ordinances originated required altering in particular cases (e.g. nonconforming). Although there would still be some modifications and other matters to regulate, the objective of staff's proposal is to create uniformity within the ordinance. She recognized the Committee as being technical advisors and, along with staff, would keep them informed of the process all the way through, including the consultant services.

